

# Center *for the Study of the* American Constitution

## NO. 16: THE DEBATE OVER THE RELIGIOUS TEST CLAUSE

**F**or centuries an established church and religious test oaths for officeholding had been used to control both the people and their leaders. European societies believed that religion fostered social harmony. Consequently, throughout European history, taxes were used to support a specific church. Monarchs who were often both the head of the church and of the state and reigned with the divine blessing of God, were required to swear an oath affirming the tenants of the established religion. These traditions would undergo alterations in America.

Because many American colonists felt that an orderly society could not exist without religious underpinnings, many colonies formally adopted established churches. Although some of these establishments were abandoned in the state constitutions adopted during the Revolution, still eleven out of thirteen states retained some sort of religious test requirement for officeholders. Only Connecticut and New York had no test oaths for officeholding. In Pennsylvania, for example, its 1776 constitution required officeholders to “believe in one God, the creator and governor of the universe, the rewarder of the good and the punisher of the wicked” as well as to “acknowledge the Scriptures of the Old and New Testament to be given by Divine inspiration.”

Article VI, clause 3 of the newly proposed Constitution of 1787 stipulates that “no religious Test shall ever be required as a Qualification to any Office or public trust under the United States.” In several of the state ratifying conventions, this prohibition generated debate. Those who favored a religious test for officeholders maintained that leaders should possess morality and to exempt them from affirming these convictions was to invite social chaos. William Williams, an Antifederalist who eventually voted to ratify the Constitution in the Connecticut Convention, believed that not only a religious test was needed but that the entire Constitution needed to be established with a formal acknowledgement of God in the Preamble. In 1788, Virginia lawyer Thomas Wilson poignantly summarized the suspicions of many he encountered throughout central Virginia. On the eve of Virginia’s convention, he surmised that for Antifederalists the lack of a religious test revealed that “the cumposers [of the Constitution] had no thought of God in the consultations.” Consequently, he noted that it was reasonable to conclude “it appears as if we are to depend on the honor of infidles.” David Caldwell in the North Carolina convention bluntly suggested that without a religious test “there was an invitation for Jews and pagans of every kind to come among us.”

Like Antifederalists, many Federalists favored religious tests for officeholding but remained silent during the ratification debate. If Federalists would have conceded the deficiency of the Constitution in this regard, it would strengthen the Antifederalist position; that the lack of a religious test was yet another example of how flawed the Constitution was.

Federalists countered these concerns with several arguments. Charles Pinckney of South Carolina addressed his fellow delegates in the Constitutional Convention, saying that the

prohibition of a religious test was “a provision the world will expect from you, in the establishment of a System founded on Republican Principles and in an age so liberal and enlightened as the present.” Pinckney’s comment appeared in a pamphlet he wrote that was published in New York City in mid-October 1787. Oliver Ellsworth, a Connecticut delegate to the Constitutional Convention, explained in his seventh essay published under the pseudonym “A Landholder,” that “the sole purpose and effect of it [the prohibition of a religious test] is to exclude persecution, and to secure to you the important right of religious liberty.” The Reverend Isaac Backus, a Baptist pastor from Massachusetts, who had long supported freedom of religion in a state with an established church, viewed the prohibition of a religious test similarly. He noted that “the imposing of religious tests hath been the greatest engine of tyranny in the world. And I rejoice to see so many gentlemen who are now giving in the rights of conscience.” The Reverend Samuel Langdon argued in the New Hampshire Convention that forcing a religious requirement on elected officials was counterproductive since, “Religion does not consist in outward appearances; a man may make fair pretensions, and yet be a hypocrite at heart. A test will never be binding upon an atheist, a man of no religion.” ■

**WILLIAM WILLIAMS TO THE PRINTER,  
HARTFORD AMERICAN MERCURY  
11 FEBRUARY 1788**

When the clause in the 6th Article, which provides that “no religious test should ever be required as a qualification to any office or trust, etc.” came under consideration, I observed I should have chose . . . so far as to require an explicit acknowledgment of the being of a God, His perfections, and His providence, and to have been prefixed to, and stand as, the first introductory words of the Constitution in the following or similar terms, viz.: *We the people of the United States, in a firm belief of the being and perfections of the one living and true God, the creator and supreme Governor of the world, in His universal providence and the authority of His laws: that He will require of all moral agents an account of their conduct, that all rightful powers among men are ordained of, and mediately derived from God, therefore in a dependence on His blessing and acknowledgment of His efficient protection in establishing our Independence, whereby it is become necessary to agree upon and settle a Constitution of federal government for ourselves, and in order to form a more perfect union . . . it would be a public declaration against, and disapprobation of, men who did not, even with sincerity, make such a profession, and they must be left to the Searcher of Hearts; that it would, however, be the voice of the great body of the people and an acknowledgment*

proper and highly becoming them to express on this great and only occasion, and, according to the course of Providence, one means of obtaining blessings from the Most High. . . .

I freely confess such a test and acknowledgment would have given me great additional satisfaction; and I conceive the arguments against it, on the score of hypocrisy, would apply with equal force against requiring an oath from any officer of the united or individual states, and, with little abatement, to any oath in any case whatever. But divine and human wisdom, with universal experience, have approved and established them as useful and a security to mankind.

**MATTHAIS STONE: SPEECH IN THE NEW  
HAMPSHIRE CONVENTION  
20 FEBRUARY 1788**

This paragraph [Article 6, Section 4] being read, Deacon Stone, rose, and wished to know whether a religious test was not necessary for the security of our religious rights—he thought it was—it had ever been practised by our forefathers—and was considered by them as their inestimable privilege—their pearl of great pr[ice] [Matthew 13:45-46]. He called upon the reverend Clergy and the friends to religion to rise and support the cause of religion:—he tho’t, in the present day, when iniquity was abounding, it was highly necessary that there should be some restraint laid upon wicked and designing

men. He thought it was necessary, at least, that men, previous to their entering into any office of state, should acknowledge their belief in the being of a God, &c. He did not know but, if this constitution was adopted, that Congress might deprive the people of the use of the holy scriptures—that *pearl of great price* that *inestimable jewel*—he said, he was not for confining men’s consciences, but he tho’t, as we were now establishing new government, it was the only time to secure our religious rights, or it might hereafter be too late. He said, he did not, for his part consider the connecting the civil power with the ecclesiastical in so novel a manner as the Rev. Gentlemen present.—The scriptures hold up the idea—“*Kings shall be their nursing fathers, and Queens their nursing mothers* [Isaiah 49:23]—where then was the harm—he believed the Rev. Gentlemen present, had often received their salary in consequence of this support, and would be glad to receive it again in the same way.

#### DAVID CALDWELL: SPEECH IN THE NORTH CAROLINA CONVENTION, 30 JULY 1788

Mr. CALDWELL thought that some danger might arise. He imagined it might be objected to in a political as well as in a religious view. In the first place, he said, there was an invitation for Jews and pagans of every kind to come among us. At some future period, said he, this might endanger the character of the United States. Moreover, even those who do not regard religion, acknowledge that the Christian religion is best calculated, of all religions, to make good members of society, on account of its morality. I think, then, added he, that, in a political view, those gentlemen who formed this Constitution should not have given this invitation to Jews and heathens. All those who have any religion are against the emigration of those people from the eastern hemisphere.

#### A LANDHOLDER VII (OLIVER ELLSWORTH), CONNECTICUT COURANT 17 DECEMBER 1787 (EXCERPTS)

Some very worthy persons, who have not had great advantages for information, have objected against that clause in the constitution, which provides, that *no religious test shall ever be required as a qualification to any office or public trust under the United States*. They have been afraid that this clause is unfavourable to religion. But, my countrymen, the sole purpose and effect of it is to exclude persecution, and to secure to you the important right of religious liberty. We are almost the only people in the world, who have a full enjoyment of this important right of human nature. In our country every man has a right to worship God in that way which is most agreeable to his own conscience. . . .

But in other parts of the world, it has been, and still is, far different. Systems of religious error have been adopted, in times of ignorance. It has been the interest of tyrannical kings, popes, and prelates, to maintain these errors. When the clouds of ignorance began to vanish, and the people grew more enlightened, there was no other way to keep them in error, but to prohibit their altering their religious opinions by severe persecuting laws. In this way persecution became general throughout Europe. It was the universal opinion that one religion must be established by law; and that all, who differed in their religious opinions, must suffer the vengeance of persecution. In pursuance of this opinion, when popery was abolished in England, and the church of England was established in its stead, severe penalties were inflicted upon all who dissented from the established church. In the time of the civil wars, in the reign of Charles I. the presbyterians got the upper hand, and inflicted legal penalties upon all who differed from them in their sentiments respecting religious doctrines and discipline. When

Charles II. was restored, the church of England was likewise restored, and the presbyterians and other dissenters were laid under legal penalties and incapacities. It was in this reign, that a religious test was established as a qualification for office; that is, a law was made requiring all officers civil and military (among other things) to receive the Sacrament of the Lord's Supper, according to the usage of the church of England, written six months after their admission to office, under the penalty of £500. and disability to hold the office. And by another statute of the same reign, no person was capable of being elected to any office relating to the government of any city or corporation, unless, within a twelvemonth before, he had received the Sacrament according to the rites of the church of England. The pretence for making these severe laws, by which all but churchmen were made incapable of any office civil or military, was to exclude the papists; but the real design was to exclude the protestant dissenters . . . But if we consider the nature of them and the effects which they are calculated to produce, we shall find that they are useless, tyrannical, and peculiarly unfit for the people of this country. . . .

A test in favour of any one denomination of christians would be to the last degree absurd in the United States. If it were in favour of either congregationalists, presbyterians, episcopalions, baptists, or quakers; it would incapacitate more than three fourths of the American citizens for any public office; and thus degrade them from the rank of freemen. . . .

In favour of such a test, it may be said, that one who believes these great truths, will not be so likely to violate his obligations to his country, as one who disbelieves them; we may have greater confidence in his integrity. But I answer: His making a declaration of such a belief is no security at all. For suppose him to be an unprincipled man, who believes neither the word nor the being of a God; and to be governed merely by selfish motives . . . how easy is it for him to make a public declaration of his belief in the creed which the law prescribes;

and excuse himself by calling it a mere formality? . . . In short, test-laws are utterly ineffectual; they are no security at all; because men of loose principles will, by an external compliance, evade them. If they exclude any persons, it will be honest men, men of principle, who will rather suffer an injury, than act contrary to the dictates of their consciences. . . .

If I demean myself as a good citizen, I am accountable, not to man, but to God, for the religious opinions which I embrace, and the manner in which I worship the supreme being. If such had been the universal sentiments of mankind, and they had acted accordingly, persecution, the bane of truth and nurse of error, with her bloody axe and flaming hand, would never have turned so great a part of the world into a field of blood.

But while I assert the right of religious liberty; I would not deny that the civil power has a right, in some cases, to interfere in matters of religion. It has a right to prohibit and punish gross immoralities and impieties; because the open practice of these is of evil example and public detriment. For this reason, I heartily approve of our laws against drunkenness, profane swearing, blasphemy, and professed atheism. But in this state, we have never thought it expedient to adopt a test-law; and yet I sincerely believe we have as great a proportion of religion and morality, as they have in England, where every person who holds a public office, must be either a saint by law, or a hypocrite by practice. A test-law is the parent of hypocrisy, and the offspring of error and the spirit of persecution. Legislatures have no right to set up an inquisition, and examine into the private opinions of men. . . .

**A FRIEND OF SOCIETY AND LIBERTY,  
PENNSYLVANIA GAZETTE  
23 JULY 1788 (EXCERPTS)**

. . . However, as I said before, any man, rich or poor, protestant or catholic, can be chosen, if he is thought fit by the state legislature, or the people at large, and when he is chosen nothing can prevent his taking his seat and performing his high duties. In

other countries *religious* tests would prevent him, though he were ever so wise, ever so good, or ever so much beloved and esteemed. . . . The foederal connexion, established on these liberal and generous principles, will lead to a sort of foederal union among the various churches which it has pleased God to raise up in the world. Here none can be particularly favored, none can be particularly oppressed, none can be interfered with—all are equal—all independent of each other. They will not render to each other nor to the government, tithes, nor tenths, nor free gifts (as they have been preposterously termed) nor any species of taxes, as religious men or societies. Nothing will be expected, nothing will be required but peace and good will, and brotherly loving kindness. This excellent quality of the new government will warm and expand our bosoms whenever we reflect upon it. The liberality and virtue of America in establishing perfect equality and freedom among all religious denominations and societies, will no doubt produce

to us a great reward, for when the news of it shall reach the oppressed dissenters from the established churches of Britain, Ireland, Holland, Germany, France, Spain and Italy, and they shall find that it encourages both protestants and catholics, they will at once cry out, America is "*the land of promise.*" There alone can the sincere votaries of religion enjoy their lives, their civil and religious rights and property, without suffering from their attachment to that church in which they have been *born and bred*, and which they believe to be *right and true*. Ye Sovereigns of the European world, continue your religious oppressions at your peril. So sure as you persist, thousands of your present subjects, transplanted to the fertile fields, the healthful villages and populous cities of America, shall remind you of your impiety and error, when it shall be too late for you to retrieve the loss. ■

### DISCUSSION QUESTIONS FOR A SOCRATIC SEMINAR

- Would you consider William Williams' proposed alteration to the preamble of the Constitution to be similar or different to a religious oath? (You may want students to look at several religious oaths (pdf) from the Revolutionary Period.)
- How would you account for the difference of opinion among the Federalists and Antifederalists in how they view historical precedents as it relates to this debate over religious tests?
- Do you find the historical arguments of A Landholder VII convincing?
- In your opinion, is the Federalist argument of religious diversity functioning as a check and balance ensuring religious liberty an effective line of reasoning?
- How do you account for the differences in how each group views the future of the United States without a national religious test?
- In your opinion, do these documents reveal a distinction between the freedom of conscience and the freedom of religion? Is that distinction important?

## TEACHING TOOLS

### I. Analyzing the Arguments For and Against the Religious Test Clause

1. Divide the class into two groups; one group will read the items in favor of a religious test, the other will read selections opposed to a religious test.
2. In this initial part of the lesson, each of the large groups should be subdivided into groups of 3-5 students. Each of these smaller groups should read an assigned selection. Each group should briefly discuss and summarize the arguments in their selection using the T-chart below.

Arguments in Favor of a Religious Test	Arguments Opposed to a Religious Test
William Williams —	A Landholder VII —
Matthais Stone —	Friend of Society —
David Caldwell —	

3. After students in their small groups have read and discussed their selections, have them meet together with other small groups to discuss and reach a consensus on the four best arguments. If they are in the group that favors a religious test, they meet with other “in favor” groups. “Opposed” groups meet with other “opposed” groups.
4. Both sides should then select a student to present their arguments. As they present, the opposition should be evaluating the strength of each argument presented.
5. (As students present in favor arguments, the opposed groups will listen and evaluate the arguments using the T-Chart. Likewise, as students present opposed arguments, the groups that favor a religious test will listen and evaluate the arguments using the T-chart. Each side can use the score bar to rate the effectiveness of arguments made by each author.)
5. When all of the arguments have been presented, have the “In Favor” and the “Opposed” groups meet to reach a consensus and select the two best arguments from the opposition.
6. Once both groups have had an opportunity to discuss and rank the arguments of their opposition, have a spokesperson report their findings to the class.
7. After each side has reported its assessments, the teacher can lead a discussion using the following questions:

- Ask each side, “What would you say is the strongest argument made by the opposition?”
- Why do you think both sides use examples from history in their arguments? Does history matter in this issue?
- Which arguments would you suggest are still relevant today?

## II. Converting Federalist and Antifederalist Ideas into Poetry

1. Divide the class into five groups. Each group should be assigned a selection.
2. Each group should read, identify, and note the key ideas in their selection.
3. Divide students into smaller groups of 2-3 students. These groups will then begin to convert the major ideas in their selections into a poem. Students can use any type of poem.

For example a limerick from the selection might be:

Willy Billy a new preamble wanted  
he feared pagans undaunted  
the favor of heaven  
to avoid Armageddon  
to start this nation so vaunted

4. After students have had time to work on their poems, you can have them share their work with the class.

## VOCABULARY

**William Williams**

1. *providence*: protective care of God or a divine being
2. *prefixed*: something added to the beginning, introduction
3. *moral agents*: persons cable of determining right and wrong
4. *disapprobation*: strong disapproval
5. *abatement*: reducing or lessening

**Matthais Stone**

1. *inestimable*: too great to calculate, priceless
2. *pearl of great price*: a parable of Jesus explaining the value of the Kingdom of Heaven
3. *designing*: acting in a deceitful way
4. *ecclesiastical*: religious organization

**David Caldwell**

1. *pagans*: non-Christian
2. *heathens*: non-Christian
3. *emigration*: resettling, migration

**A Landholder VII**

1. *prelates*: a church official or dignitary
2. *incapacities*: legal disqualification
3. *popery*: system of practices associated with the Roman Catholic Church
4. *sacrament*: religious ceremony
5. *rites*: religious ceremonies
6. *Papists*: Catholics
7. *creed*: a set of beliefs
8. *dictates*: commands or decrees
9. *bane*: great distress or annoyance
10. *profane*: secular

**A Friend to Society and Liberty**

1. *render*: to make
2. *preposterously*: contrary to common sense, absurd
3. *species*: types
4. *votaries*: a devoted follower of religion
5. *impiety*: a lack of reverence